

REMARKS

Reconsideration of this application is respectfully requested. Claims 17-22, 25, and 27-40 are pending in this application. Claims 17-22 are allowed.

Applicants thank the Examiner for the courtesy extended during the interview held on December 1, 2005, in which the Examiner agreed that the written description rejection would be withdrawn and applicants agreed to work to file a Terminal Disclaimer to overcome the double patenting rejection.

Rejections under 35 U.S.C. §112, first paragraph

Claims 35-40 were rejected under 35 U.S.C. §112, first paragraph, for allegedly failing to comply with the written description requirement. The Examiner alleges that the specification does not support the sequence: "CTCAATAAAGCTTGCCTTG."

Applicants traverse the rejection. As the Examiner agreed during the interview held on December 1, 2005, applicants' specification supports the claimed DNA sequence on page 13, line 13. Applicants have attached a highlighted copy of page 13 of applicants' specification for the Examiner's convenience. The "page 13" reproduced by the Examiner on page 5 of the Office Action is *not* from applicants' specification, as is evident from the use of the term "HTLV-III" throughout the text on this page. Accordingly, applicants' specification fully supports claims 35-40, and applicants respectfully request withdrawal of the rejection.

Obviousness-type double patenting rejection

Claims 25, 29, and 32 were rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-6 of U.S. Patent No. 6,627,395. Solely to expedite prosecution of this application and not in acquiescence to this

rejection, applicants submit herewith a Terminal Disclaimer from each of the assignees over U.S. Patent No. 6,627,395. Accordingly, applicants respectfully request withdrawal of the rejection.

Objections

Claims 27, 28, 30, 31, 33, and 34 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Since "base" claims 25, 29, and 32 are allowable, this objection is moot.

Applicants respectfully submit that this application is in condition for allowance. In the event that the Examiner disagrees, he is invited to call the undersigned to discuss any outstanding issues remaining in this application in order to expedite prosecution.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: June 5, 2006

By: _____

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Attachment, page 13 of Application